IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 23847 of 2004

Between:

1 Syed Shareef, s/o S.A.Rahman
2 Smt.Mairajunnisa, w/o Syed Shareef,
3 Smt.Sayeedunnisa, w/o Mohd.Moosa,
all are r/o H.No.7-65, Alinagar, Errakunta, R.R.Dist.

..... PETITIONERS

AND

1 Station House officer, Police Station, Pahadi Shareef, R.R.District.
2 Commissioner of Police, Hyderabad City, Hyderabad.
3 Khaja Moinuddin, r/o 7-55, Alinagar, Errakunta, R.R.District.
4 Mohd.Moosa, s/o Khaja Moinuddin, H.No.7-55, Alinagar, Errakunta, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction particularly a writ in the nature of certiorari calling for the records relating to the C.R.FIR No.225/2004 dated 18-10-2004 on the file of the 1st respondent and quash the same as unjust, illegal and arbitrary and to pass such other order or orders.

Counsel for the Petitioner: MRS.SOFIA BEGUM

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

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ORDER:.

Petitioners seek a writ in the nature of Certiorari calling for the records relating to the C.R.FIR No. 225/2004, dated 18.10.2004 on the file of the first respondent and quash the same as unjust and arbitrary.

The background appears to be that the third respondent gave a complaint against the petitioners for an offence under Section 365. The grievance of the third respondent/de-facto complainant is that the first and second petitioners, who are parents of the third petitioner, have kidnapped the fourth respondent and performed their marriage. It is his further allegation that the fourth respondent was a minor when he was abducted.

All the parties are before this court.

The boy, who is fourth respondent herein, states before this court that he has been living with the company of the third respondent after marrying her on his own will. But it appears that the boy gave a statement under Section 164 Cr.P.C, before the Magistrate stating that he was forced to marry the third petitioner. He further states that he stated so before the Magistrate because of fear.

Prima facie, this court also granted anticipatory bail to the first petitioner on

16.11.2004, but however, permitted the investigating agency to proceed with the investigation.

Therefore, having regard to the facts and circumstances and in view of the allegations, I close the Writ Petition with a direction to the respondents 1 and 2, to investigate into the complaint given by the third respondent strictly in accordance with law and pass orders uninfluenced by any observations made by this court. Till such time, no coercive steps shall be taken, against the petitioner. No costs.

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D.S.R. VARMA, J

DATED: 04.03.2005

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To

1 Station House officer, Police Station, Pahadi Shareef,
R.R.District.
2 Commissioner of Police, Hyderabad City, Hyderabad.
3 Khaja Moinuddin,
r/o 7-55, Alinagar, Errakunta, R.R.District.
4 Mohd.Moosa, s/o Khaja Moinuddin,
H.No.7-55, Alinagar, Errakunta, R.R.District.

5. 2 CCs to G.P. for Home, High Court of A.P., Hyderabad. (OUT)

6. 2 CD Copies.